

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

MASTEROBJECTS, INC.,

Plaintiff,

v.

AMAZON.COM, INC,

Defendant.

No. C 20-08103 WHA

**DISCOVERY ORDER**

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Having received the referral from Judge Alsup, I have noted that he has requested a progress report by Noon on April 21. Given my experience with the case to date, I want to be able to assure the Court, the parties and myself that the “disputes” that have been referred to me are genuine and substantial and that they merit the time, effort and expense that will necessarily be expended to resolve them. To that end, IT IS HEREBY ORDERED that:

1. No later than 3 p.m. on Monday, April 18, lead counsel Spencer Hosie and Moez Kaba shall meet and confer by phone in order to specifically identify the remaining disputes and to resolve them if possible.
2. If the parties are unable to fully resolve any disputes, no later than 6 p.m. on Monday, April 18, Amazon shall file (and copy me by email) a specification of every issue it intends to pursue. This specification must be detailed as to specific documents, specific redactions, specific privilege log issues, etc.

3. If the parties are unable to resolve all issues, they shall hand deliver to me on Tuesday, April 19 the following, specifically identified,
- a. All formerly privileged documents which have been produced voluntarily by MasterObjects
  - b. All privilege logs at issue
  - c. All redactions at issue
  - d. MasterObjects shall provide me with complete copies of every document which Amazon is moving to compel and unredacted versions of documents for which redactions are being challenged. These will be provided to me in a sealed envelope for in camera review.
  - e. In the event that the scope of the waiver remains unresolved, each party shall supply me with a one paragraph statement regarding their view of the appropriate scope of the waiver.

For the purposes of the meet and confer, the parties should assure themselves that the remaining issues are material to the litigation. Subject to reviewing any motions that arise, and based on my experience to date, I am inclined to award costs, sanctions and my fees to the prevailing party.

Dated: April 15, 2022.

/s/ Harold McElhinny

Harold J. McElhinny  
SPECIAL MASTER